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Congress of the United States
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AND SECONDARY EDUCATION
HEALTH, EMPLOYMENT, LABOR, AND PENSIONS

July 1, 2011

The Honorable Julius Genachowski
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

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Dear Chairman Genachowski:

I am writing to you in regards to the Notice of Inquiry that was adopted by the Federal Communications Commission on April 7th 2011 (WC Docket No. 11-59). As the 60- day comment period for this notice comes to a close, I wanted to express concern over potential rulemakings the FCC may propose that would, in effect, threaten the "home rule" authority of local governments and lead to their loss of significant amounts of revenue.

I, much like you, am a proponent of expanding our national broadband infrastructure. I have been proud to cast several votes throughout my time in Congress that facilitated broadband access to under- and un-served populations alike nationwide. While I certainly support the FCC's efforts in this particular inquiry to help alleviate tactical and bureaucratic barriers that may impede the growth of broadband, I would caution the FCC that a short-sighted Notice of Proposed Rulemaking (NPRM) relating to public rights of way would severely degrade the negotiating authority of local governments.

Every town and village in my district that exercises "home rule" may be threatened by a future NPRM. My hometown of Mineola, NY, has already suggested that threats to its negotiating position with cable operators could potentially lead to both a loss of public access television and hundreds of thousands of dollars in revenue from franchise fees. Especially at a time when state and local governments already have to make difficult budgetary decisions, it is my hope that the FCC not put local communities in further financial distress.

I ask that you provide further clarification as to the track the FCC wishes to pursue on this matter.

Sincerely,

Carolyn McCarthy
Member of Congress



FEDERAL COMMUNICATIONS COMMISSION

September 19, 2011

JULIUS GENACHOWSKI
CHAIRMAN

The Honorable Carolyn McCarthy
U.S. House of Representatives
2346 Rayburn House Office Building
Washington, D.C. 20515

Dear Congresswoman McCarthy:

Thank you for your letter regarding the *Notice of Inquiry (NOI)* on broadband infrastructure adopted by the Commission on April 7, 2011. We share a commitment to fostering the deployment and adoption of advanced technologies, including broadband, that can improve our economy and create jobs.

The Commission is very aware of the critical roles of localities, states, and other federal agencies in accomplishing this critical task. The broad variety of jurisdictions involved in managing rights-of-way access and wireless facilities siting make this a particularly complex policy matter. The *NOI* seeks comment on a wide range of issues concerning key challenges and best practices in these areas. I am pleased, therefore, that numerous cities, towns, and counties have filed comments in this proceeding, ensuring that the Commission will have a full understanding of their views and concerns.

Based on a careful analysis of the record, the Commission will work with all interested parties, including local and state governments, to identify problem areas and develop solutions. The Commission's objective is to determine whether there is a need for coordinated national action to improve rights of way and wireless facilities siting policies, and if so, what role the Commission should assume among the array of stakeholders. I want to assure you that the intention is not to impinge on local "home rule" or cable television franchise authority.

I look forward to working with you on these issues. Your letter will be included in the record of this proceeding. If I may be of further assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to be "J. Genachowski", is written over the printed name. The signature is fluid and stylized, with a long horizontal stroke extending to the right.

Julius Genachowski